

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MELVIN PERRY, a/k/a MELVIN H. PERRY,

Plaintiff,

v.

1:21-CV-0971
(GTS/DJS)

MICHAEL R. CUEVAS; ALICIA LENDON;
JUDE MAIN, JR.; DISTRICT ATTORNEY PASQUA,
and AARON EDWARDS,

Defendants.

APPEARANCES:

MELVIN PERRY
Plaintiff, *Pro Se*
P.O. Box 943
1027 Jay Street
Ogdensburg, New York 13669

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Melvin Perry (“Plaintiff”) against the five above-named individuals (“Defendants”) pursuant to 28 U.S.C. § 1983, is United States Magistrate Judge Daniel J. Stewart’s Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed with leave to amend. (Dkt. No. 6.) Plaintiff has not filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart’s thorough Report-Recommendation, the Court can find no clear error in the Report-

Recommendation.¹ Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

ACCORDINGLY, it is

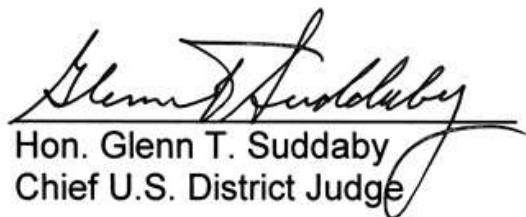
ORDERED that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 6) is

ACCEPTED and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) shall be *sua sponte* **DISMISSED** **with prejudice** and without further Order of the Court if, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff does not file an **AMENDED COMPLAINT** curing the pleading defects identified in his original Complaint; and it is further

ORDERED that, upon filing, the Amended Complaint shall automatically be referred to Magistrate Judge Stewart for his review.

Dated: November 18, 2021
Syracuse, New York



Hon. Glenn T. Suddaby
Chief U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a “clear error” review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks omitted).